



Temporary Seal

OFFICIAL AGENDA

Wednesday, November 5, 2003

7:00 PM

City Administrative Offices

**City Council
City of Miami Gardens**

**17801 NW 2nd Avenue, Suite 201
Miami Gardens, Florida**



CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

City of Miami Gardens Administrative Offices
17801 N.W. 2nd Avenue, Suite 201
Miami Gardens, FL 33169
Wednesday, November 5, 2003
7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon, II
Councilwoman Audrey J. King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES:**
 - 4A) APPROVE MINUTES OF CITY COUNCIL MEETING OF OCTOBER 22, 2003 (CITY CLERK TO DISTRIBUTE PRIOR TO COUNCIL MEETING)
- 5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):**
- 6. SPECIAL PRESENTATIONS:**
 - 6A) NONE

7. ORDINANCES FOR FIRST READING:

- 7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO PUBLIC RECORDS; ESTABLISHING A RECORDS RETENTION COMMITTEE; PROVIDING FOR PHOTOGRAPHING AND DESTRUCTION OF PUBLIC RECORDS; PROVIDING FOR MICROFILMING, PROVIDING FOR MANNER OF DESTROYING RECORDS; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY CLERK)
- 7B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO CITY RECORDS; ADOPTING THE STATE OF FLORIDA GENERAL RECORDS SCHEDULE FOR STATE AND LOCAL GOVERNMENT AGENCIES (SCHEDULES GSI-1, GS2 AND GS3); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY CLERK)
- 7C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATION SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR THE RE-ADOPTION OF EMERGENCY ORDINANCE NO. 2003-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY ATTORNEY)

8. ORDINANCES FOR SECOND READING (PUBLIC HEARINGS):

- 8A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING THE OPERATING DEPARTMENTS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCIL MEMBER MELVIN L. BRATTON)
- 8B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE CITY COUNCIL AS THE LOCAL PLANNING AGENCY FOR THE CITY; PROVIDING FOR PARTICIPATION BY THE SCHOOL BOARD; DIRECTING THE CITY CLERK TO FORWARD A COPY OF THIS ORDINANCE TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR SHIRLEY GIBSON)
- 8C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REQUIRING CHARGES INCURRED BY THE CITY FOR SUCH CONSULTANTS THAT MAY BE NECESSARY FOR ANY ZONING APPLICATION INCLUDING ENGINEERING, PLANNING, LEGAL, TECHNICAL, OR ENVIRONMENTAL CONSULTANT OR PROFESSIONAL(S) EMPLOYED BY THE CITY TO BE PAID BY THE APPLICANT IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR SHIRLEY GIBSON)

9. RESOLUTIONS:

9A) NONE

10. REPORTS OF INTERIM CITY MANAGER

10A) TRANSITION STATUS REPORT

11. REPORTS OF CITY CLERK

11A) OVERVIEW OF CITY CLERK RESPONSIBILITIES

12. REPORTS OF MAYOR AND COUNCIL MEMBERS

12A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS

13. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:

13A) PUBLIC COMMENTS – 20 MINUTES

14. ADJOURNMENT:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT WILLIAM GREEN (305) 653-3944, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT WILLIAM GREEN (305) 653-3944.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.

ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO PUBLIC RECORDS; ESTABLISHING A RECORDS RETENTION COMMITTEE; PROVIDING FOR PHOTOGRAPHING AND DESTRUCTION OF PUBLIC RECORDS; PROVIDING FOR MICROFILMING, PROVIDING FOR MANNER OF DESTROYING RECORDS; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, requires governments to retain public records and to dispose of public records as provided by law; and

WHEREAS, the Mayor and City Council desire to establish a Public Records – Retention and Disposition Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Photographing and destruction of public records. The City Clerk is hereby designated as the manager of the records of the City of Miami Gardens, Florida, and shall have the authority, with the concurrence of the Records Retention Committee, to promulgate suitable guidelines and rules for the orderly management, scheduling, destruction and microfilming of public records. Such guidelines and rules shall comply with rules and regulations established by the Division of Archives, History and Records Management of the Department of State of the state of Florida, and with the provisions of Chapter 119, Florida Statutes. Before the Clerk shall order any public records destroyed by a department head or other official, such destruction also shall be approved by the Records Retention Committee.

Section 2. Records Retention Committee. There is hereby created a Records Retention Committee consisting of the City Clerk, the chief financial officer, the city attorney and the Mayor, or respective designee. The Records Retention Committee shall make and promulgate suitable rules, within the limitations governing the management, scheduling, destruction and microfilming of public records of the City. Nothing herein contained however, shall relieve the Records Retention Committee of the duty of investigating and approving the destruction of each individual series of records when it is proposed that such series of records be destroyed.

Section 3. Manner of microfilming records. Microfilming of records shall be accomplished by the methods or system best calculated to perpetuate records on film and in accordance with microfilm specifications as established by the Division of Archives, History and Records Management of the Florida Department of State.

1 Section 4. Manner of Destroying Records. Destruction of records shall be accomplished
2 by shredding, maceration, incineration or other method approved by the Division of
3 Archives, History and Records Management of the Florida Department of State. Upon
4 the destruction of any city records, as herein provided, the person destroying and the
5 person witnessing the destruction of the same forthwith shall make and file with the city
6 clerk a certificate describing the records destroyed and certifying the date and manner of
7 destruction as provided on Form DS-RM 107, Notice of Intent to Destroy Scheduled
8 Records.

9
10 Section 5. Severability. If any section, clause, sentence, or phrase of this ordinance
11 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
12 holding shall not affect the validity of the remaining portions of this ordinance.

13
14 Section 6. Repealer. All ordinances or parts of ordinances in conflict with the
15 provisions of this ordinance are repealed.

16
17 Section 7. Codification. This ordinance shall be codified and included in the City of
18 Miami Gardens Code of Ordinances.

19
20 Section 8. Effective Date. This ordinance shall take effect ten (10) days after
21 adoption on second reading.

22
23 PASSED on first reading the ____ day of _____, 2003.

24
25 PASSED AND ADOPTED on second reading the ____ day of _____, 2003

26
27
28 _____
29 Shirley Gibson, Mayor

30 Attest:

31
32 _____
33 Ronetta Taylor, CMC
34 City Clerk
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36
37 APPROVED AS TO FORM AND
38 LEGAL SUFFICIENCY:

39
40 _____
41 Hans Ottinot, Interim City Attorney
42

43 MOVED BY: _____

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45 SECONDED BY: _____
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1 VOTE:
2
3 Mayor Shirley Gibson _____(Yes) _____(No)
4 Vice Mayor Aaron Campbell _____(Yes) _____(No)
5 Councilman Melvin L. Bratton _____(Yes) _____(No)
6 Councilman Oscar Braynon, II _____(Yes) _____(No)
7 Councilwoman Audrey King _____(Yes) _____(No)
8 Councilwoman Sharon Pritchett _____(Yes) _____(No)
9 Councilwoman Barbara Watson _____(Yes) _____(No)
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ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO CITY RECORDS; ADOPTING THE STATE OF FLORIDA GENERAL RECORDS SCHEDULE FOR STATE AND LOCAL GOVERNMENT AGENCIES (SCHEDULES GSI-1, GS2 AND GS3); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, requires governments to retain public records and to dispose of public records as provided by law; and

WHEREAS, Chapter 257, Florida Statutes, established the State's Records Management and Archives Program under the direction of the Division of Library and Information Services, Department of State; it specifically provides for a system for the scheduling and disposal of public records; and

WHEREAS, the Mayor and City Council desire to adopt the State of Florida General Records Schedule for State and Local Government Agencies (Schedules GS1, GS2 and GS3).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Adoption of Schedules. That the State of Florida General Records Schedule for State and Local Government Agencies (Schedules GS1-1, GS2 and GS3) is hereby adopted. The retention and destruction of public records are to be controlled and governed by that "Record Retention Schedule," a copy of which is on file in the City Clerk's Office.

Section 2. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 4. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

Section 5. Effective Date. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____, 2003.

1 PASSED AND ADOPTED on second reading the _____ day of _____, 2003
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4
5 _____
6 Shirley Gibson, Mayor
7 Attest:
8
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10 _____
11 Ronetta Taylor, CMC
12 City Clerk
13
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15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY:
17
18
19 _____
20 Hans Ottinot, Interim City Attorney
21
22 MOVED BY: _____
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24 SECONDED BY: _____
25
26 VOTE:
27
28 Mayor Shirley Gibson _____(Yes) _____(No)
29 Vice Mayor Aaron Campbell _____(Yes) _____(No)
30 Councilman Melvin L. Bratton _____(Yes) _____(No)
31 Councilman Oscar Braynon, II _____(Yes) _____(No)
32 Councilwoman Audrey King _____(Yes) _____(No)
33 Councilwoman Sharon Pritchett _____(Yes) _____(No)
34 Councilwoman Barbara Watson _____(Yes) _____(No)
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City of Miami Gardens

17801 NW 2nd Avenue, Suite 201
Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilwoman Audrey King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable Mayor and City Council

From: Hans Ottinot, Interim City Attorney 

Date: November 5, 2003

Re: Re-adopting Emergency Ordinance Relating to Permit Fees

Recommendation:

It is recommended that the City Council adopt the attached Ordinance.

Reasons:

The attached Ordinance re-adopts the emergency ordinance relating to the election not to collect the permit fees.

ORDINANCE NO. 2003 _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATION SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR THE RE-ADOPTION OF EMERGENCY ORDINANCE NO. 2003-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 337.401 (3)(c) 1., Florida Statutes (2000), requires each municipality to make an election regarding the payment of permit fees by providers of communications services and further requires each municipality to inform the Department of Revenue of the election by a certain date; and

WHEREAS, a municipality may require and collect permit fees from any providers of communications services that use or occupy municipal roads or right-of-ways for the provision of communications services. However, to ensure competitive neutrality among providers of communication services, a municipality that elects to exercise its authority to require an collect permit fees will have an automatic reduction in the rate of the local communications services tax for the municipality, as computed under section 202.20(1) and (2), Florida Statutes (2000), as amended, by a rate of 0.12%; and

WHEREAS, it is the intent of the City to exercise its authority to adjust its new local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any providers of communications services; and

WHEREAS, whatever election the municipality makes, such election shall take effect in accordance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Intent. It is the intent of the City Council of the City of Miami Gardens to make an election under section 337.401 (3) (c) 1., Florida Statutes (2000), as amended, regarding the City of Miami Gardens decision on whether to require and collect permit fees from any providers of communications services that use or occupy municipal roads or right-of- ways for the provision of communication services.

Section 2. Election Not to Require and Collect Permit Fees. The City of Miami Gardens elects not to require and collect permit fees from any provider of communications that uses or occupies municipal roads or right-of-ways for the provision of communication services as provided in section 337.401 (3) (c) 1.

Section 3. Election to Increase Local Communications Services Tax. Pursuant to section 337.401 (3) (c) 1., Florida Statutes (2000), as amended, the City of Miami Gardens elects to increase its total rate for the local communications services tax as computed under section 202.20 (1) and (2), Florida Statutes (2000), as amended, by an amount of 0.12%, and this election shall take effect in accordance with state law.

Section 4. Notice to the Department of Revenue. The City of Miami Gardens direct that notice of the above election be provided to the Department of Revenue. By virtue of the enactment of this ordinance, the City hereby notifies the Department of Revenue of its election to require an adjustment of the Local Communications Services Tax in lieu of collecting fees.

Section 5. Declaration. The City hereby declares that this adjustment shall remain in effect until and unless otherwise expressly repealed by the City, irrespective of whether the City, in its discretion, maintains a Local communications Services Tax rate under section 202.20 (1) (a) and (1) (b) or section 202.19 (2) (a), Florida Statutes (2001).

Section 6. Re-Adoption of Emergency Ordinance. By virtue of the enactment of this ordinance, Emergency Ordinance No. 2003-03 is hereby re-adopted.

Section 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrased of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Effective Date. This ordinance shall be effective ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____, 2003

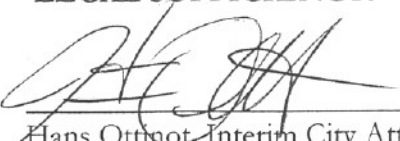
PASSED AND ADOPTED on second reading this ____ day of _____, 2003.

Shirley Gibson, Mayor

ATTEST:

Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Hans Ottmott, Interim City Attorney

Motion on second reading by: _____

Second on second reading by: _____

VOTE:

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
Councilman Oscar Braynon II	_____ (Yes)	_____ (No)
Councilwoman Audrey King	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

City of Miami Gardens

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Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilwoman Audrey King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: Mayor and City Council

From: Council Member, Melvin L. Bratton

Date: October 22, 2003

Re: Ordinance Creating City Departments

Recommendation:

It is recommended that the City Council adopt the attached Ordinance.

Reasons:

In order for the City to transfer municipal services from Miami-Dade County to the City, the City Council has to create certain departments to provide for the efficient operations of the City. The departments listed in the attached ordinance are consistent with the departments listed in the fiscal budget for 2003-2004.

ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING THE OPERATING DEPARTMENTS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has adopted a fiscal budget for October 1, 2003 through September 30, 2004; and

WHEREAS, funds have been allocated in that budget to various departments of the city government that must be created as provided herein; and

WHEREAS, pursuant to Section 4.3 of the City Charter, the City Council wishes to establish necessary departments for the efficient operation of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. City Departments Created. For the purpose of systematically and efficiently administering the operations of the City of Miami Gardens, the following departments of government within the City are hereby established:

1. Office of the City Manager
2. Finance Department
3. Human Resources Department
4. Parks and Recreation Department
5. Office of the City Clerk
6. Office of the City Attorney
7. Public Safety Department (Police)
8. Public Works Department
9. Zoning, Planning and Building Department
10. Code Enforcement Department

Section 2. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 4. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

1 Section 5. Effective Date. This ordinance shall take effect ten (10) days after
2 adoption on second reading.

3
4 PASSED on first reading the ____ day of _____, 2003.

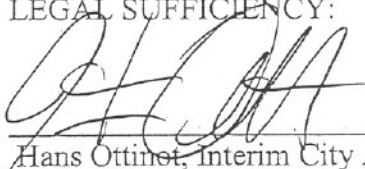
5
6 PASSED AND ADOPTED on second reading the ____ day of _____, 2003
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10 _____
11 Shirley Gibson, Mayor

12 Attest:
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15 _____
16 Ronetta Taylor, CMC
17 City Clerk
18
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20 APPROVED AS TO FORM AND
21 LEGAL SUFFICIENCY:

22 
23 _____
24 Hans Ottino, Interim City Attorney
25
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27 MOVED BY: _____
28

29 SECONDED BY: _____
30

31 VOTE:
32

33 Mayor Shirley Gibson	____ (Yes)	____ (No)
34 Vice Mayor Aaron Campbell	____ (Yes)	____ (No)
35 Councilman Melvin L. Bratton	____ (Yes)	____ (No)
36 Councilman Oscar Braynon, II	____ (Yes)	____ (No)
37 Councilwoman Audrey King	____ (Yes)	____ (No)
38 Councilwoman Sharon Pritchett	____ (Yes)	____ (No)
39 Councilwoman Barbara Watson	____ (Yes)	____ (No)

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City of Miami Gardens

17801 NW 2nd Avenue, Suite 201
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Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilwoman Audrey King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable City Council

From: Mayor Shirley Gibson

Date: October 22, 2003

Re: LPA Ordinance

Recommendation:

It is recommended that the City Council adopt the attached Ordinance.

Reasons:

As you know, the City Council will be reviewing zoning applications in the near future. Under State Law, we are required to establish a Local Planning Agency to review plan amendments. Thus, it is necessary for the City Council to establish an LPA.

ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE CITY COUNCIL AS THE LOCAL PLANNING AGENCY FOR THE CITY; PROVIDING FOR PARTICIPATION BY THE SCHOOL BOARD; DIRECTING THE CITY CLERK TO FORWARD A COPY OF THIS ORDINANCE TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the City Council wishes to designate the City Council of the City of Miami Gardens as the Local Planning Agency ("LPA") for the City; and

WHEREAS, the LPA shall have the responsibility for the reviewing the Comprehensive Plan, plan amendments, and certain land development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Designation of Land Planning Agency. Pursuant to and in accordance with Section 163.3174, the City Council of the City of Miami Gardens is hereby established as the Local Planning Agency for the City.

Section 2. Participation By School Board. Pursuant to Section 163.3174, Florida Statutes, Miami-Dade County School shall be provided with an opportunity to participate on the LPA with respect to discussion of plan amendments that increase residential density.

Section 3. Duties and Responsibilities of Local Planning Agency. The LPA in accordance with Section 163.3174(4), Florida Statutes shall have the following duties:

- (a) be responsible for the preparation of the Comprehensive Plan or Plan Amendment, including all decisions regarding adoption and amendment during the preparation of the Plan or Plan Amendment. The Local Planning Agency shall hold at least one public hearing, with public notice, on the proposed plan or proposed plan amendment. The Local Planning Agency may designate any agency, committee, department, or person to prepare the Comprehensive Plan or Plan Amendment, but final recommendation of the adoption of such Plan or Plan Amendment shall be the responsibility of the Local Planning Agency.
- (b) Monitor and oversee the effectiveness and status of the Comprehensive Plan and effectuate such changes in the Comprehensive Plan as may from

1 time to time required, including preparation of the periodic required by
2 Section 163.3191, Florida Statutes.

3
4 (c) Revise proposed land development regulations, land development codes or
5 amendments thereto.

6
7 (d) Perform any other functions, duties and responsibilities assigned to it by
8 the governing body or the general special law.

9
10 Section 4. Directive to City Clerk. The City Clerk is hereby directed to transmit a
11 copy of this Ordinance to the State of Florida Department of Community Affairs.

12
13 Section 5. Severability. If any section, clause, sentence, or phrase of this ordinance
14 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
15 holding shall not affect the validity of the remaining portions of this ordinance.

16
17 Section 6. Repealer. All ordinances or parts of ordinances in conflict with the
18 provisions of this ordinance are repealed.

19
20 Section 7. Codification. This ordinance shall be codified and included in the City of
21 Miami Gardens Code of Ordinances.

22
23 Section 8. Effective Date. This ordinance shall take effect ten (10) days after
24 adoption on second reading.

25
26 PASSED on first reading the ____ day of _____, 2003.

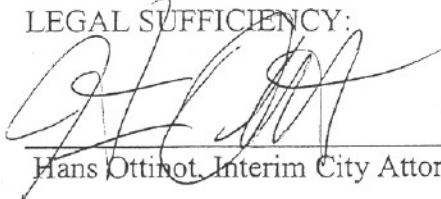
27
28 PASSED AND ADOPTED on second reading the ____ day of _____, 2003

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31 _____
32 Shirley Gibson, Mayor

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34 Attest:

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38 Ronetta Taylor, CMC
39 City Clerk
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1 APPROVED AS TO FORM AND
2 LEGAL SUFFICIENCY:

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6 _____
7 Hans Ottinot, Interim City Attorney

8 MOVED BY: _____

9
10 SECONDED BY: _____

11
12 VOTE:

13			
14	Mayor Shirley Gibson	____(Yes)	____(No)
15	Vice Mayor Aaron Campbell	____(Yes)	____(No)
16	Councilman Melvin L. Bratton	____(Yes)	____(No)
17	Councilman Oscar Braynon, II	____(Yes)	____(No)
18	Councilwoman Audrey King	____(Yes)	____(No)
19	Councilwoman Sharon Pritchett	____(Yes)	____(No)
20	Councilwoman Barbara Watson	____(Yes)	____(No)
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City of Miami Gardens

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Councilwoman Audrey King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable City Council

From: Mayor Shirley Gibson

Date: October 22, 2003

Re: Zoning Consultant Fees Ordinance

Recommendation:

It is recommended that the City Council adopt the attached Ordinance.

Reasons:

As you know, the City Council will be reviewing zoning applications in the near future. In reviewing zoning applications, the City will incur certain expenses. The attached Ordinance will provide the City with a vehicle to recoup certain expenses in reviewing zoning applications.

1 ORDINANCE NO. 2003-
2 _____

3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI
4 GARDENS, FLORIDA, REQUIRING CHARGES INCURRED BY THE
5 CITY FOR SUCH CONSULTANTS THAT MAY BE NECESSARY
6 FOR ANY ZONING APPLICATION INCLUDING ENGINEERING,
7 PLANNING, LEGAL, TECHNICAL, OR ENVIRONMENTAL
8 CONSULTANT OR PROFESSIONAL (S) EMPLOYED BY THE CITY
9 TO BE PAID BY THE APPLICANT IN ADDITION TO ANY OTHER
10 APPLICATION FEES REQUIRED BY LAW; PROVIDING FOR
11 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR
12 INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE
13 DATE.
14

15 WHEREAS, from time to time it is necessary for the City Council to hire
16 independent consultants in connection with zoning applications, including engineering,
17 planning, legal, technical, environmental, or professional(s) employed by the City in
18 order to assess and make a recommendation on the application; and
19

20 WHEREAS, this City has a right to be reimbursed for the actual charges for such
21 services, provided it maintains a separate escrow account for these amounts; and
22

23 WHEREAS, these fees are in addition to any and all other fees required by any
24 other law, rule, or regulation of the City Code.
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
27 CITY OF MIAMI GARDENS, FLORIDA:
28

29 Section 1. Charges for Consulting Services Established.
30

31 A. The City Manager and/or his designee in the review of any application,
32 may refer any such application presented to it to such engineering,
33 planning, legal, technical, or environmental consultant or professional(s)
34 employed by the City as the Manager shall deem reasonably necessary to
35 enable him/her to review such application as required by law. Charges
36 made by such consultant shall be in accord with the charges customarily
37 made for such services in Miami-Dade County, and pursuant to an existing
38 contractual agreement by and between the City and such consultant.
39 Charges made by the City shall be in accord with the hourly rates charges
40 by such consultants or hourly rates of employed professionals and shall be
41 paid on submission of a City voucher.
42

43 B. The applicant shall reimburse the City for the cost of such consultant or
44 employed professional services upon submission of a copy of the voucher,
45 within thirty (30) days of submission of a copy of the voucher and as a

1 condition of the zoning resolution. These fees are in addition to any and all
2 other fees required by other law, rule, or regulation of the City Code.
3

4 Section 2. Escrow Accounts. At the time of submission of any application or
5 thereafter, it is required that an escrow account be established, from which withdrawals
6 shall be made to reimburse the City for the cost of professional review services. The
7 applicant shall then provide funds to the City for deposit into such account in an amount
8 to be determined by the City Manager, based on his/her evaluation of the nature and
9 complexity of the application. The applicant shall be provided with copies of any City
10 voucher for such services as they are submitted to the City. When the balance in such
11 escrow is reduced to one-third (1/3) of its initial amount, the applicant shall deposit
12 additional funds into such account to bring its balance up to the amount of the initial
13 deposit. If such account is not replenished within thirty (30) days after the applicant is
14 notified, in writing, of the requirement for such additional deposit, the City may suspend
15 its review of the application. An application shall be deemed incomplete if any amount
16 shall be outstanding. A building permit or certificate of use and occupancy shall not be
17 issued unless all professional review fees charges in connection with the applicant's
18 project have been reimbursed to the City. Once all pertinent charges have been paid, the
19 City shall refund to the applicant any funds remaining on deposit.
20

21 Section 3. Collection for Fees. All fees required pursuant to this chapter shall be
22 collected by the Zoning Director.
23

24 Section 4. Codification. This ordinance shall be codified and included in the City of
25 Miami Gardens Code of Ordinances.
26

27 Section 5. Repealer. All ordinances or parts of ordinances in conflict with the
28 provisions of this ordinance are repealed.
29

30 Section 6 Severability. If any section, clause, sentence, or phrase of this ordinance
31 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
32 holding shall not affect the validity of the remaining portions of this ordinance.
33

34 Section 7. Effective Date. This ordinance shall take effect ten (10) days after
35 adoption on second reading.
36

37 PASSED on first reading the ____ day of _____, 2003.
38

39 PASSED AND ADOPTED on second reading the ____ day of _____, 2003
40
41
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46

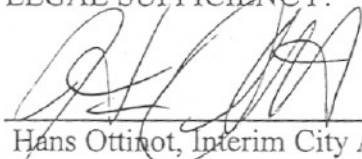
Shirley Gibson, Mayor

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Attest:

Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Hans Ottinot, Interim City Attorney

MOVED BY: _____

SECONDED BY: _____

VOTE:

Mayor Shirley Gibson	____(Yes)	____(No)
Vice Mayor Aaron Campbell	____(Yes)	____(No)
Councilman Melvin L. Bratton	____(Yes)	____(No)
Councilman Oscar Braynon, II	____(Yes)	____(No)
Councilwoman Audrey King	____(Yes)	____(No)
Councilwoman Sharon Pritchett	____(Yes)	____(No)
Councilwoman Barbara Watson	____(Yes)	____(No)



10A

11/5/03

CITY OF MIAMI GARDENS

Transition Status Report

ACTIVITY	EXPECTED DATE OF COMPLETION	STATUS	COMMENTS
Budget Workshop	9/08/03	Completed	
Budget Workshop	10/16/03	Completed	Regarding FY 02-03 deficit and FY 03-04 projected revenue shortfalls and reduced expenditures
Charter/Rules of Procedure Workshop	8/27/03	Completed	
City Seal/Logo	Report on Council Agenda 9/24; community input session scheduled for 9/29; Recommendation to Council on 10/22/03	Council requested further development of logo/seal designs	*Above seal is generic – Direction from Council
City Zip Codes	ASAP	Discussions in progress with US Postal rep from the Address Management Office	
City Web Page	8/31/03	Domain name acquired; email addresses identified; website fully functional	
Communications Services Tax (Add-on)	Emergency Ordinance adopted on 8/27/03; Re-adoption of ordinance needed prior to Feb. 04	Re-adoption recommended prior to the repeal of Emergency Ordinance 2003-03	Submitted to DOR
Communication Services Tax	Adopted - 8/20/03	Completed	Submitted to DOR
Conduct Sunshine Law and Ethics Workshop	7/31/03	Completed	
Creation of Local Planning Agency	On Agenda for first reading 10/22/03; Second reading	I	I

Development and approval of FY 2003-04 Budget	Adopted - 9/24/03	Monthly monitoring required; Budget revision required at end of first quarter to incorporate set projections	
Development and approval of Transition Budget	Adopted on 9/10/03		First Reading held on 8/20/03
Development of Council Agenda Retrieval Sites	08/20/03	Approved	Delivery executed at previously identified sites
Development of Ad Policy	08/20/03	Approved on 8/20; as of 10/22, policy requires further review and refinement	Distinctions should be made between which meetings should be posted versus advertised in the print media
Establishment of Accounts at Public Depository, "Notice to the State Treasurer"	Account established	Completed Bank Name: Wachovia	
Filing of State Revenue Sharing Application FY2003-04	Submitted on 07/24/03	Approved by the Florida Department of Revenue	
Government/Lobbyist	10/22/03	Council rejected all proposals due to budget constraints	
Identification of space for permanent City Hall	On Hold	RFP released; responses received and under review; recommendation to Council on 10/22/03; Process under review by Interim City Attorney	
Insurance coverage for Elected Officials (Errors and Omissions – General Liability)	Approved 07/24/03 and 9/24/03	Binder received	
Interlocal Agreement – Master	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement
Interlocal Agreement – Police Agreement	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement
Interlocal Agreement – Specialized Police Services	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement
Rules of Procedures	Adopted 9/24/03		
RFP for Park and Recreation Services	Draft RFP prepared by Interim City Manager	Forwarded to Interim City Attorney on 10/29 for review and refinement	

Search for City Attorney	11/30/03	Process on hold	
Search for City Clerk	Clerk Selected Official Start Date 9/29/03		
Search for City Manager	11/19/03	Executive Search Firm engaged; Work in Progress; meetings re pool of candidates scheduled for 10/21, 7pm, and 10/25, 10am	
Street Signage (State Dept. of Transportation)	ASAP	Signs are being installed at SR 826 and on SR9 (within 6-8 weeks)	
Tax Exemption and Identification Number	07/24/03	Completed	
Utility Tax Utilization	Adopted 08/20/03		
Zoning Workshop I	08/14/03	Completed	
		Completed	Mock Zoning Hearing
Zoning Workshop II	9/23/03		
Zoning Ordinance	Adopted - 9/24/03		

11/5/03



MEMORANDUM

To: The Honorable Mayor and
Members of the City Council

Date: October 20, 2003

From: Ronetta Taylor, CMC *RT*
City Clerk

Subject: Overview of City Clerk
Responsibilities

The purpose of this memorandum is to provide you with an overview of the responsibilities and duties of the City Clerk's office. From previous experience, I have found that it is important that the elected officials, the general public and in some instances the administration understand the vital role of the City Clerk.

From a historical perspective the term "Clerk" has been around since ancient times. It comes from the early middle ages when churches regulated many local government matters and only clergymen were educated and could write; the idea of a clerk as a writer, keeper of records and local official comes from this history. The first settlers in America soon created the office of parish or town clerk, and the post continues today as an essential position in municipal government. Every City and town in the nation, regardless of size or form of government, has a clerk or equivalent position.

As the City Clerk for the City of Miami Gardens, I am committed to:

1. Upholding a constitutional government, and the laws of this community;
2. Conducting my public and private life as to be an example to my fellow citizens;
3. Upholding those standards of quality and integrity that the conduct of the affairs of my office are above reproach;
4. Being mindful of neutrality and impartiality by rendering service to all;
5. Recording what is true and preserve that which is entrusted to me as if it were my own;
6. Striving constantly to improve the administration of the affairs of my office consistent with applicable law; and
7. Working closely with the City Council, City Manager, City Attorney, administration and citizens for the betterment of the City of Miami Gardens.

The Florida Statutes are essential tools for municipal clerks because they prescribe the basic functions and duties of City Clerks in general law that pertains to cities. The Charter or "home rule" customarily outlines these and other duties. The City Clerk also performs such additional duties as may be prescribed by City ordinances, or by direction of the City Council.

Statutory duties as (Secretary to the Council)

1. Record official minutes of the council;
2. Handle Municipal correspondence, both incoming and outgoing, as directed or as requested by council;
3. Prepare meeting agendas (this is currently being done by the City Manager's Office);
4. Process, record, file and advertise ordinances, resolutions and notices;
5. Process, record, file and advertise bids for municipal equipment and supplies;
6. Advertise, record and file the municipal budget;
7. Perform liaison work between the public and the council as may be directed.
8. Administer and record oaths of office; and
9. Prepare and maintain custody of all official city records and files;

Statutory duties as (Secretary of the Municipal Corporation)

1. Maintain custody of the municipal seal;
2. Sign official documents;
3. Maintain receipt of service of legal documents (lawsuits, complaints, etc.); and
4. Maintain the City Code;

Statutory duties as (Election Official/Supervisor of Elections)

1. Certify vacancies existing at the City Council level;
2. Maintain receipt of any and all petitions, initiative or otherwise;
3. Exercise quasi-judicial authority in determining the validity of a petition according to the city code or state statutes (Miami-Dade County Division of Election assists with this function);
4. Provide layout of local ballot for all elections;
5. Furnish material for local elections (qualifying packet & election information;
6. Select polling places (Miami-Dade County Division of Election assists with this function);
7. Maintain receipt of election results; and
8. Issue payment for polling places and poll workers;

General duties includes:

1. Provide Notary Service;
2. Furnish data to public information media;
3. Receive and file bonds and insurance policies related to municipality-issued contracts;
4. Direct complaints, correspondence and inquiries for action to the various municipal departments;
5. Prepare and maintain records index system, oversee records management, retention and destruction in accordance with state regulations;

6. Conduct business with other city, county, state and federal agencies as directed by the governing body;
7. Coordinate voter's registration activities with Miami-Dade County and state election officials;
8. Provide notification to municipal departments of expiration dates on various matters;
9. Maintain and update city code;
10. Attest to official contracts and document; and
11. Conduct city elections.

Additionally, it is essential that the Clerk be as effective as possible in ensuring that proper laws and procedures are followed. In order to accomplish this the Clerk must keep abreast of changes in legislation, and office technology. New statutes on public ethics, financial disclosure and election laws must be closely monitored. This is done through memberships in the various Municipal Clerks' associations, consulting with colleagues, attending the Clerk's conferences offered by the Florida Association of City Clerks and the International Institute for Municipal Clerks, and reading books and periodicals.

I hope that this overview has provided you with a better understanding of the responsibilities and duties of the City Clerk's office. If there are any issues you'd like to discuss please feel free to contact me.